

RETURN DATE: FEBRUARY 28, 2017	:	SUPERIOR COURT
	:	
MICHELLE DASILVA	:	J.D. OF LITCHFIELD AT
	:	LITCHFIELD
VS.	:	
	:	
TOM WEIK, AND TOWN OF MORRIS	:	JANUARY 13, 2017

COMPLAINT

First Count – Sex Discrimination – Conn. Gen. Stats. Sec. 46a-60(a)(1) as Against Town of Morris.

1. The plaintiff is a resident of Torrington, Connecticut. 205 W
2. The defendant, Tom Weik is the First Selectman of the Town of Morris and upon information and belief is a resident of 205 West Street, Lakeside, Connecticut. He is sued in both his individual and official capacities.
3. The defendant Town of Morris is a municipal corporation and a municipal subdivision of the state of Connecticut with a principal place of business located at 3 East Street, Morris, Connecticut 06763.
4. At all times relevant hereto, the plaintiff was an “employee” of the Town of Morris as that term is defined in relevant statutes.
5. At all times relevant hereto, the defendant Town of Morris was an “employer” as that term is defined in relevant statutes.
6. At all relevant times, the defendant Weik who is a male, was the plaintiff’s supervisor at her employer Town of Morris.
7. The plaintiff is a female.
8. The plaintiff began employment with the Town of Morris on July 1, 2001 as the assistant assessor. In July, 2004 she was promoted to the position of full-time assessor.

9. On March 2, 2016 the plaintiff was placed on administrative leave by the defendant First Selectman Weik without explanation. Weik called two state police troopers to walk the plaintiff out of Morris Town Hall in broad daylight during regular business hours. This was done intentionally to harass and humiliate the plaintiff in front of co-workers and town's people and to intentionally cause severe emotional distress to the plaintiff. Thereafter, Weik intentionally publicized the fact that troopers were called to walk the plaintiff out of the office, by notifying the local newspaper. This too was done intentionally to humiliate the plaintiff and to cause severe emotional distress to the plaintiff.
10. The plaintiff was terminated from her employment as assessor of the Town of Morris on or about March 30, 2016. The plaintiff was terminated without just cause and she was terminated because she is a woman and she was targeted for harassment and termination because she is a woman.
11. During the plaintiff's fifteen years of employment with the Town of Morris, she had never been disciplined nor had she been evaluated as failing to perform her duties responsibly as the assessor of the Town of Morris.
12. The plaintiff holds a bachelor's degree in business administration.
13. On or about the evening of January 5, 2016, the plaintiff caught Weik spying on her in the dark while she was at work in her office at Town Hall. Weik was seen outside of the window of the plaintiff's office, hiding in the bushes, and watching the plaintiff as she worked. When the plaintiff confronted Weik through the window Weik ran away. This event was very scary and unnerving to the plaintiff as she could not comprehend why her supervisor would be hiding in the bushes

watching her work. The plaintiff complained to her union about her observations and the fright that it caused her, and thereafter she became the target of increased harassment.

14. After the plaintiff filed the complaint with her union, Weik came to the plaintiff's office, and in a threatening manner demanded that the plaintiff withdraw a grievance filed over the incident by her union. Weik became very aggressive and placed the plaintiff in fear of her physical well-being as he leaned over the plaintiff's desk while the plaintiff was sitting behind it. At the time the plaintiff was the only person in the office. The plaintiff typically works in an office filled with men, but Weik attacked the plaintiff while the men were gone and the plaintiff was the only person there. As a result of the fear that the plaintiff was feeling due to the intentional acts of the defendant Weik, she began to cry. This event caused severe emotional distress to the plaintiff.
15. Since taking office, Weik has forced multiple women out of their jobs at the Morris Town Hall including Stacey Dionne, the former fiscal clerk, and Zoe Greenwood, the former library director. In addition Weik has sought to impose an 11 percent pay cut upon Town Clerk Laura Halloran in an effort to force her to quit.
16. The Town has claimed that it terminated the plaintiff's employment because it alleges that the plaintiff failed to properly assess real property in town. However, during the term of the prior first selectman, the plaintiff's hours of work were cut to allow the town to hire an assistant to help the plaintiff with her duties. Weik never hired an assistant for the plaintiff after he became First Selectman. At the

time of the plaintiff's termination she was being paid for fifteen hours of work per week. Instead of hiring an assistant for the plaintiff, Weik unreasonably expected the plaintiff to continue to perform the same duties that she performed before her hours were cut, without an assistant. It became impossible for the plaintiff to keep up with all of the demands of the job, particularly during the time when a reevaluation was occurring.

17. Prior to the plaintiff being placed on administrative leave, she was never advised of any problem regarding her performance, nor was she told that properties had been improperly assessed. Had she been informed of any improper assessments, she could have corrected any errors according to statutory authority with no resulting loss in revenue to the Town.
18. After the plaintiff was terminated by the defendants, the defendants hired an assessor, an assistant assessor, and a field appraiser to perform all of the work that the plaintiff was previously expected to do by herself before she was terminated.
19. The plaintiff originally commenced her claim before the Connecticut Commission on Human Rights and Opportunities on May 16, 2016. On October 25, 2016 the plaintiff obtained a Release of Jurisdiction from CHRO, thereby allowing her to pursue her claim as set forth herein before the Connecticut Superior Court.
20. As a result of the actions of Town of Morris, and of First Selectman Weik acting on behalf of the Town of Morris, the Town of Morris is in violation of Conn. Gen. Stats. Sec. 46a-60(a)(1) in that by its actions as aforesaid, it has discriminated, harassed, and retaliated against the plaintiff, and created a hostile work environment, all on the basis of the plaintiff's sex, (female), and as a result of the

defendants' illegal conduct, the plaintiff has suffered economic and non-economic damages including but not limited to lost pay and benefits; emotional distress; attorney's fees and legal costs.

Second Count – Conn. Gen. Stats. Sec. 31-51q as Against Town of Morris

- 1-18. Paragraphs one through eighteen of the First Count are made a part of this the Second Count as if fully incorporated herein.
19. The defendant Weik was elected as the First Selectman of the Town of Morris in the fall of 2015.
20. During that election campaign, the plaintiff openly supported Weik's opponent Linda Bongiolatti, and openly opposed the election of Weik.
21. After Weik was elected he made it clear, by engaging in municipal prohibited practices, that he was opposed to municipal unions in the Town of Morris and he took actions to try to limit the collective bargaining effectiveness of the unions including the plaintiff's union. At the time, the plaintiff was an outspoken member of her municipal union and she served as a steward to the union.
22. The actions taken by the defendant Weik as aforesaid, on behalf of the defendant Town of Morris, were done in retaliation for the plaintiff's exercise of freedom of speech and freedom of association rights as guaranteed by the First Amendment to the United States Constitution, and Article First, Sections 4 and 14 of the Connecticut Constitution to wit:
 - a. The plaintiff supported Weik's political opponent in the election and opposed Weik;

- b. The plaintiff was an active member of her union opposing the policies of Weik and his administration.
23. The harassment, humiliation, suspension, and termination of the plaintiff as aforesaid was done on account of the plaintiff's exercise of her rights guaranteed by the United States Constitution and the Connecticut Constitution as aforesaid, in violation of Conn. Gen. Stats. Sec. 31-51q.
24. The defendants are liable to the plaintiff for damages caused by the discipline and discharge of the plaintiff including but not limited to punitive damages, reasonable attorney's fees and costs.

Third Count – Intentional Infliction of Emotional Distress as against Weik

- 1-18. Paragraphs one through eighteen of the First Count are made a part of this the Second Count as if fully incorporated herein.
- 19-22. Paragraphs nineteen through twenty-two of the Second Count are made a part of this the Third Count as if fully incorporated herein.
23. By his actions as aforesaid, Weik intended to inflict emotional distress upon the plaintiff or he knew or should have known that emotional distress was likely to result from his conduct.
24. Weik's conduct as aforesaid was extreme and outrageous.
25. Weik's conduct as aforesaid did cause the plaintiff to suffer severe emotional distress.
26. As a result the plaintiff was caused to suffer non-economic damages for which she seeks a monetary award.

WHEREFORE THE PLAINTIFF CLAIMS AS TO THE FIRST TWO COUNTS:

- a. Back pay of wages and benefits;
- b. Front pay of wages and benefits;
- c. Reinstatement;
- d. Attorney's fees and costs;
- e. Damages for emotional distress
- f. Compensatory damages;
- g. Monetary damages for economic and non-economic losses
- h. Punitive damages;
- i. Any such other remedy as may be allowable by law.

AS TO THE THIRD COUNT

- a. Monetary damages.

THE PLAINTIFF,
MICHELLE DASILVA



By: Eric R. Brown, Esq.
Law Office of Eric R. Brown
P.O. Box 615
Watertown, CT 06795
888-579-4222 (phone and fax)
Email: eric@thelaborlawyer.com
Juris No. 436049

RETURN DATE: FEBRUARY 28, 2017 : SUPERIOR COURT
MICHELLE DASILVA : J.D. OF LITCHFIELD AT
VS. : LITCHFIELD
TOM WEIK, AND TOWN OF MORRIS : JANUARY 13, 2017

STATEMENT OF AMOUNT IN DEMAND

The Plaintiff asserts that the amount, legal interest or property in demand is fifteen thousand dollars or more, exclusive of interest and costs.

THE PLAINTIFF,
MICHELLE DASILVA



By: Eric R. Brown, Esq.
Law Office of Eric R. Brown
P.O. Box 615
Watertown, CT 06795
888-579-4222 (phone and fax)
Email: eric@thelaborlawyer.com
Juris No. 436049